

Notice of Allowability

Application No.

10/810,863

Applicant(s)

ZEITZ, ISRAEL

Examiner

Yaritza Guadalupe McCall

Art Unit

2859

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendmen After Final filed September 2, 2004.
2. ☒ The allowed claim(s) is/are 1-4.
3. ☒ The drawings filed on 29 March 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

In response to Amendment filed September 2, 2004

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Israel Zeitz on September 14, 2004.

The application has been amended as follows:

- a. Please replace claim 1 with the new claim language as follows:

A football measuring device, comprising:

a handle having a base and a leg upstanding from the base a distance of approximately 4 inches, which corresponds to the distance from the ground to approximately the center of the nose of a football, said handle having a major axis

along the base perpendicular to the yard lines and not parallel as some other devices are; a chain segment having an end secured to the base of the handle through an aperture provided in a lower section of the leg adjacent the base;

an extending bar releasably secured to an upper section of the leg away from the base, said bar extending parallel to the ground; and wherein said handle, said upright leg, said extending bar and any other part of the device does not have any dials, numbers or any sort of markings to designate where the device is located on the football field.

b. Please replace claim 2 with the new language as follows:

2. A football measuring device according to claim 1, further comprising:

a removable alligator type clip placed on the chain segment to indicate the distance along the chain length the extending bar is from the closest yard line.

c. Please replace claim 3 with the new language as follows:

3. A method for determining the position of a football on a football playing field having a pair of sidelines connected by a series of five yard lines and employing a conventional measuring device consisting of a first and second marker connected by a ten yard long chain, the method comprising:

- positioning a first marker of the conventional measuring device at a position on a sideline corresponding to the position of the football on the field;
- positioning a football measuring device adjacent the first marker, said football measuring device comprising
 - a handle having a base and a leg upstanding from the base, the handle having a major axis;
 - a chain segment having an end secured to the handle; and
 - an extending bar releasably secured to the leg perpendicular to the major axis of the handle;
 - said extending bar being positioned against the first marker;
- stretching the chain segment taut in the direction of the five yard nearest to the position of the football, and
- placing an alligator type clip on the chain segment at a position corresponding to the nearest five yard line.

d. Please replace claim 4 with the new language as follows:

4. The method of claim 3, further comprising

- moving the football measuring device proximate the football,
- aligning the alligator type clip with a second five yard line corresponding to and ten yard distant from the first yard line;
- stretching the chain segment taut parallel to the sideline; and
- inspecting the position of the football with respect to the extending bar.

Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance:

- Claims 1 - 2 are allowable over the Prior Art of Record because it fails to teach or suggest a football measuring device comprising a handle having a base and a leg upstanding from the base a distance of approximately 4 inches, which corresponds to the distance from the ground to approximately the center of the nose of a football, said handle having a major axis along the base perpendicular to the yard lines and not parallel as some other devices are; a chain segment having an end secured to the base of the handle through an aperture provided in a lower section

Art Unit: 2859

of the leg adjacent the base in combination with the remaining limitations of the claims.

- Claims 3 – 4 are allowable over the Prior Art of Record because it fails to teach or suggest method for determining the position of a football on a football playing field having a pair of sidelines connected by a series of five yard lines and employing a conventional measuring device consisting of a first and second marker connected by a ten yard long chain, the method comprising the step of positioning a football measuring device adjacent the first marker, said football measuring device comprising a handle having a base and a leg upstanding from the base, the handle having a major axis; a chain segment having an end secured to the handle; and an extending bar releasably secured to the leg perpendicular to the major axis of the handle; said extending bar being positioned against the first marker;

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Art Unit: 2859

Conclusion


3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yaritza Guadalupe McCall whose telephone number is (571) 272-2244. The examiner can normally be reached on 9:00 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F.F. Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Yaritza Guadalupe-McCall
Patent Examiner
Art Unit 2859
September 14, 2004

~~DIEGO F.F. GUTIERREZ~~
~~SUPERVISOR PATENT EXAMINER~~
~~TECHNOLOGY CENTER 2800~~


G. BRADLEY BENNETT
PRIMARY EXAMINER
AU 2859